IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 30884 of 2007(B)

PETITIONER:

KATHU A.N., AGED 19,
D/O. AJITHAKUMARY, VAISAKH, TC.8/1449,ARAYALLOOR,
THIRUMALA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS:

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1. THE UNIVERSITY OF KERALA,
REPRESENTED BY REGISTRAR, UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL,
SREE CHITHIRA THIRUNAL COLLEGE OF ENGINEERING,
PAPPANAMCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
R2 BY S.C. SRI.ELVIN PETER P.J.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON 07/11/2007 DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30884 OF 2007 B
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Dated this the 7th November, 2007

J U D G M E N T

Petitioner seeks an order allowing her to continue the course of Engineering in Biotechnology till a decision is taken on her eligibility in the qualifying examination. She also seeks a direction to the 1st respondent to take a decision on the application for issuing eligibility certificate.

2. From Ext. P1 mark sheet of All India Senior School Certificate Examination conducted by the C.B.S.E produced by the petitioner, it is evident that she had only secured 33% marks for Mathematics. However, in the Entrance Examination for the year 2007, she appeared and secured rank No. 14334 for Engineering and got allotment in the Biotechnology branch, in the 2nd respondent college. She was thereafter admitted in the course but was later issued Ext. P14 requiring her to produce eligibility certificate from the University as she was having only 33% marks for Mathematics. She

submits that she had applied to the University for eligibility certificate and sought for time for producing the same by making Ext. P15 representation to the 2nd respondent. It is in this background this writ petition has been filed praying for a direction to the University to consider her application and allow her to continue the course till a decision is taken by the University.

3. The 2nd respondent college has filed a detailed statement contending that the petitioner has secured admission through unethical means and that she is an ineligible candidate going by the prospectus governing admission. The 2nd respondent has also explained the manner in which the petitioner has secured admission. According to the 2nd respondent it is by misleading the authorities that the admission was secured. It is contended that she does not satisfy the minimum requirement of 50% marks in Mathematics and that the seat has to go to an eligible candidate.

4. Irrespective of the nature of the controversy that is involved between the parties, I need only examine whether the petitioner had satisfied the terms

of the prospectus for admission to Engineering Course. The relevant extract of the prospectus has been produced along with the statement filed by the 2nd respondent as Ext. R2(a). It provides that for Engineering course the candidates who have passed Higher Secondary Examination, Kerala or examinations recognised as equivalent thereto must have 50% marks in Mathematics separately and 50% marks in Mathematics, Physics and Chemistry/Biology/Computer Science/Biology put together to be eligible for admission. Therefore, from the above clause of the prospectus it is evident that a candidate must have a minimum of 50% marks in Mathematics for getting admission in the Engineering Course.

5. In this case, it is admitted by the petitioner that she has only 33% marks and therefore she does not satisfy this requirement. If that be so, petitioner is ineligible to be admitted and hence I see no justification for the petitioner's prayer to permit her to continue in the college and thus deprive the chance of an eligible candidate.

6. Petitioner submits that until her application

for eligibility certificate is considered and orders passed by the University her admission shall not be disturbed. Now that it is clear from the terms of the prospectus and in view of the submission made by the 2nd respondent that the petitioner was ineligible for admission to the Engineering Course, I see no justification in the petitioner's request for enabling her to continue until a decision is taken by the University. University cannot go beyond the term of the prospectus and the prospectus is very clear that 50% of minimum marks in Mathematics is separately required for admission. Counsel for the University has also made it clear in Court that 50% separate minimum is a mandatory requirement. If that be so, I do not see any reason to direct the 2nd respondent college to permit the petitioner to continue until the decision is taken by the University. This will only result in wasting a seat which should, in the normal course, go to an eligible candidate.

In view of the above, I hold that as the petitioner has secured 33% of marks in Mathematics in the qualifying examination, she does not satisfy the

requirement of the prospectus and hence her admission was irregular. Hence, I am not persuaded to grant any relief to the petitioner. Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-